

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CHARLES A. EVANGELISTA ,
Plaintiff

v.

SHANE MARCOTTE, JASON FANION,
DANIEL FALLON, III, JONATHAN COTTER,)
JAMES JOHNSON, CARL SUPERNOR, and)
THE CITY OF WORCESTER,)
Defendants

CIVIL ACTION
NO. 05-CV-10311-MLW

**PLAINTIFF'S MOTION FOR LEAVE TO FILE REPLY
TO DEFENDANTS' OPPOSITION TO MOTION TO COMPEL**

Pursuant to Local Rule 7.1(B)(3), the Plaintiff, Charles A. Evangelista ("Evangelista"), hereby respectfully requests leave to file the accompanying Reply to the Defendants' Opposition to Plaintiff's Motion to Compel Production of Documents and Further Answers to Interrogatories (the "Opposition"). In support, Evangelista states:

1. The Opposition asserts that certain of the disputed records are protected by the Massachusetts Public Records Law, M.G.L. c. 4, § 7, cl. Twenty-sixth.
2. The Reply addresses this argument, asserting that federal privilege law applies and that, regardless, under Massachusetts law, whether the discoverability of a documents in the context of civil litigation is not dependant on whether the document is subject to disclosure to the general public as a public record.

3. The Reply also responds to the Opposition's position that several of the disputed Requests seek information since 1980. The Reply makes clear that such requests have been modified to the period since January 1, 1993.

4. Evangelista respectfully submits that the Reply is limited to responding to the Opposition and will assist the Court in determining Evangelista's Motion to Compel.

WHEREFORE, the plaintiff, Charles Evangelista, respectfully requests that this Court grant him leave to file the accompanying Reply to the Defendants' Opposition to his Motion to Compel Production of Documents and Answers to Interrogatories.

Respectfully submitted:

CHARLES A. EVANGELISTA

By his attorneys:

/s/William T. Harrington
John T. Landry, III (BBO NO. 544388)
William T. Harrington (BBO No. 564445)
Glynn, Landry, Harrington & Rice, LLP
10 Forbes Road, Suite 270
Braintree, MA 02184-2605
(781) 356-1399

Dated: September 5, 2006

CERTIFICATE OF SERVICE

I hereby certify that, on September 5, 2006, I filed this document with the Court electronically via the Court's CM/ECF system and that I served a copy of this documents upon each counsel and party who has appeared in the action but who has not signed up to receive electronic notice, serving a copy by first class mail.

/s/William T. Harrington
William T. Harrington